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AUG 03 2007U.S. Patent Application Serial No. 10/820,345
Reply to Office Action dated May 3, 2007**REMARKS**

Applicants have received and reviewed an Office Action dated May 3, 2007. By way of response, Applicants have amended claims 1, 5, and 9 and added claims 16-20. Support for the amendments to claims 1, 5, and 9 is found in the specification at least at page 5, lines 20-26. Support for new claim 16 can be found in the specification at least in original claim 1 as well as at page 4, line 11 and at page 6, lines 9-10. Support for new claims 17-20 can be found in the specification at least in previously presented claims 2-4 and 14, respectively. No new matter has been inserted. Claims 1-20 are currently pending. Applicants submit that the pending claims are supported by the specification.

For the reasons given below, Applicants submit that the amended and newly presented claims are in condition for allowance and notification to that effect is earnestly solicited.

Summary of Interview with Examiner

On Wednesday, August 1, 2007, Applicants' representatives Lori Sarageno (Reg. No. 52,862) and Mark DiPietro (Reg. No. 28,707) conducted a telephone interview with Examiner Hailey regarding amendments to claim 1. Applicants thank the Examiner for clarifying possible amendments to overcome the rejections under 35 U.S.C. § 102(b), which are discussed below.

Rejections under 35 U.S.C. § 102(b)

Claims 1-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Yamauchi et al. (U.S. Patent No. 3,988,288). Although this rejection has not been raised for the newly presented claims, it is discussed insofar as it might apply. Applicants respectfully traverse the rejection.

Yamauchi et al. is directed to a thermosetting amino polyester resin based powder paint (column 2, lines 54-55) that optionally can contain other resins and pigment particles (column 2, lines 63-64). The polyester is crosslinked after the paint is coated by the reacting the amino groups on the polyester with an epoxy compound at high temperatures (column 2, line 67 – column 3, line 1).

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This is not Applicants' invention. The pigment particles as claimed in claims 1, 5, and 9 are pigment particles reacted with small molecule epoxy functional compounds. No other resin is included in the reaction mixture.

Additionally, as amended, claims 1, 5, and 9 recite that the pigments having an epoxy compound reacted on the surface are in a discrete powder form. New claim 16 recites that the epoxy compound forms a discrete layer on the pigment surface. The Merriam Webster Dictionary Online defines "discrete" as 1: constituting a separate entity; individually distinct; or 2: consisting of distinct or unconnected elements: noncontinuous. The pigment particles of the invention are "surface treated" as described throughout the specification. One of skill in the art understands that surface treating a particle is different from addition of particles in a bulk formulation: a surface treatment is understood to treat only the surface of the particles such that the particles are not dispersed in a continuous phase of e.g. a polymer.

The claims as amended clearly differentiate the pigments of Applicants' invention from pigment particles dispersed in a resin. Yamauchi et al. teach that pigment particles can be dispersed in a resin.

Accordingly, Applicants respectfully submit that the cited references do not teach the presently claimed invention, and withdrawal of this rejection is respectfully requested.

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohnishi (U.S. Patent No. 5,747,599). Although this rejection has not been raised for the newly presented claims, it is discussed insofar as it might apply. Applicants respectfully traverse the rejection.

Ohnishi discloses a thermosetting epoxy resin with an aromatic sulfonium compound (column 1, lines 36-44), wherein the sulfonium compound is a cure catalyst for the epoxy (column 3, lines 22-24). The resin further comprises low molecular weight epoxy compound in addition to convention resins of high molecular weight (column 2, lines 16-19). The advantage of adding the cure catalyst is that the epoxy can be cured at a low temperatures (column 3, lines 24-25). Optionally, the formulation can have a pigment (column 5, lines 18-24). The pigments are admixed into the resin (Examples 6-19 at column 12, lines 7-51).

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The arguments made in connection with the rejection over Yamauchi et al. apply with equal force to the rejection over Ohnishi. The pigment particles as claimed in claims 1, 5, 9, and 16 are pigment particles reacted with small molecule epoxy functional compounds. No other resin is included in the reaction mixture. Additionally, the claims as amended clearly differentiate the discrete pigments of Applicants invention from pigment particles dispersed in a resin. Ohnishi teaches that pigment particles can be dispersed in a resin.

Accordingly, Applicants respectfully submit that the cited references do not teach the presently claimed invention, and withdrawal of this rejection is respectfully requested.

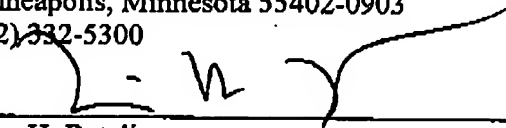
Summary

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: 3 August 2007



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